

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 27, 2003 at
3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Dan McGee, Vice Chairman (R)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 598, HB 661, HB 100, HB 558, HB
241, 3/24/2003

Executive Action: None

HEARING ON HB 598

Sponsor: REP. SCOTT SALES, HD 27, Bozeman

Opening Statement by Sponsor:

REP. SALES explained that HB 598 is a simple bill, giving FWP the authorization to submit the regulations for fishing, hunting, and trapping for bid. He said that a constituent agreed to do the printing, plus pay the State \$80,000 if the Legislature allows him to sell the advertising within the regulations. Several states, including Idaho and Utah already do this.

{Tape: 1, HB 598; Side: A; Approx. Time Counter: 4.5 - 6.9}

Proponents' Testimony: None

Opponents' Testimony:

Robin Cunningham stated that this bill seems like a good idea, and would make a lot of sense if it were revenue-positive. He said that there is a small opportunity to sell adds to generate a profit. He also expressed the concerns with advertising between local and national companies.

{Tape: 1, HB 568; Side: A; Approx. Time Counter: 6.9 - 8.7}

Informational Testimony:

Jeff Hagener, Director, Montana Fish, Wildlife, & Parks (FWP), stated that FWP has evaluated advertising their regulations, and read his written informational testimony.

EXHIBIT(fis65a01)

{Tape: 1, HB 598; Side: A; Approx. Time Counter: 0 - 4.5}

Questions from Committee Members and Responses:

CHAIRMAN SPRAGUE asked if FWP and the Sponsor's amendments are the same. **Jeff Hagener** replied that they are.

SEN. SHEA wondered if the Sponsor supports the amendments. **REP. SALES** replied that he does.

CHAIRMAN SPRAGUE asked if the amendments require the advertising. **REP. SALES** explained that it is required.

Closing by Sponsor:

REP. SALES closed on HB 598, stating that this is a common-sense effort to save a little money. He said that they have given the Department as much flexibility as possible.

{Tape: 1, HB 598; Side: A; Approx. Time Counter: 8.7 - 11.5}

HEARING ON HB 661

Sponsor: REP. DEBBY BARRETT, HD 34, Dillon

Opening Statement by Sponsor:

REP. BARRETT said that HB 661 requires FWP to manage and supervise the wildlife of Montana in a sustainable manner. She explained that this agency is 102 years old, and has focused on restoring game animals only. She said that this will expand the agency's responsibility, requiring them to manage wildlife, fish, game, and nongame animals to prevent them from being listed as endangered. She stated that there is an amendment to the bill that was put on in the House. She further explained the specifics of the bill.

EXHIBIT (fis65a02)

{Tape: 1, HB 661; Side: A; Approx. Time Counter: 0 - 8}

Proponents' Testimony:

Jean Johnson, Montana Outfitters and Guides Association, stated their support for the bill and for accurate game counts.

Opponents' Testimony:

Walt Francis, Montana Bowhunters' Association, said that the accurate game counts are prohibitively expensive; every animal cannot be inventoried.

Marty Lau stated that he doesn't have a problem as long as nonsportsmen's dollars are used for managing nonsportsmen game.

{Tape: 1, HB 661; Side: A; Approx. Time Counter: 8 - 12.3}

Informational Testimony:

Jeff Hagener, Director, Montana FWP, read his written testimony.

EXHIBIT(fis65a03)

Mike Barrett, poet, artist, offered his written testimony.

EXHIBIT(fis65a04)

{Tape: 1, HB 661; Side: A; Approx. Time Counter: 12.3 - 15.8}

Questions from Committee Members and Responses:

SEN. TASH referred to SB 209 and asked if the Sponsor would be amenable to incorporating the language requiring a game count, based on FWP's best ability. REP. BARRETT responded that she would.

Mary Vandenbosch, Legislative Branch, explained that SB 209 and HB 661 don't conflict, but they do the same things. She suggested that the Committee amend anything from SB 209 into HB 661, and then void SB 209. She explained the key differences between the two bills. REP. BARRETT added her approval.

SEN. TASH asked Jeff Hagener his opinion regarding the combination of the two bills. Jeff Hagener answered that FWP would be fine with that as well.

{Tape: 1, HB 661; Side: A; Approx. Time Counter: 15.8 - 19.4}

Closing by Sponsor:

REP. BARRETT closed on HB 661, and pointed out that the fiscal note is zero. She said that the count might not be exact, but this bill would provide for a good place to start.

{Tape: 1, HB 661; Side: A; Approx. Time Counter: 19.4 - 25}

HEARING ON HB 100

Sponsor: REP. LARRY JENT, HD 29, Bozeman

Opening Statement by Sponsor:

REP. JENT said that HB 100 is about shooting preserves. He said that a game bird farm is where birds are raised, but not put out for shooting. He said that a shooting preserve is where the birds are put out and people come to shoot them for a fee. He said that the House didn't have a problem with the bill, but they compromised on an amendment for the fees. He added that the bill

deletes quail from the definition of upland game birds, and adds "ring-necked" to pheasants.

{Tape: 1, HB 100; Side: A; Approx. Time Counter: 0 - 5.4}

*SEN. TASH took over as Chairman for the meeting.

Proponents' Testimony:

Jeff Hagener, Director, Montana FWP, read his written testimony in support of HB 100.

EXHIBIT(fis65a05)

Tim Feltner, Manager, Commercial Wildlife Committee Program, FWP, explained why "quail" was crossed out on Page 5, Line 22.

Mary Lau, Owner, Private Shooting Preserve, Golden Triangle Dog Club, stated his support for this bill.

{Tape: 1, HB 100; Side: A; Approx. Time Counter: 5.4 - 9.4}

Opponents' Testimony:

Mike Barrett, poet, artist, former representative, expressed his opposition to bird hunting and the bill.

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH had a question regarding the mourning doves. Tom Feltner explained that mourning doves are classified as migratory game birds.

Mary Vandenbosch, Legislative Branch, added that the wording is stricken from the bill on Page 2, Line 23, and moved to Page 5, Line 13.

{Tape: 1, HB 100; Side: A; Approx. Time Counter: 9.4 - 13}

Closing by Sponsor:

REP. JENT closed on HB 100 and thanked the Committee for a good hearing.

{Tape: 1, HB 100; Side: A; Approx. Time Counter: 13 - 13.7}

HEARING ON HB 558

Sponsor: REP. DEE BROWN, HD 83, Hungry Horse

Opening Statement by Sponsor:

REP. BROWN explained that this bill will charge an out-of-state, per-year snowmobiling fee of \$50 to be divided by the FWP, the grooming program, and the vendors.

{Tape: 1, HB 558; Side: A; Approx. Time Counter: 0 - 1.2}

Proponents' Testimony:

Ken Huvestal, Montana Snowmobile Association, stated that they strongly support this bill. He added that they do have a concern regarding the potential 16,000 out-of-state permits that would be handled by only one agent. He suggested a conceptual amendment regarding adding \$1 to the fees for the vendors.

Jeff Hagener, Director, Montana FWP, read his written testimony, and also offered an amendment regarding the fees (also included in Exhibit 6).

EXHIBIT(fis65a06)

{Tape: 1, HB 558; Side: A; Approx. Time Counter: 1.2 - 5.8}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH asked if the Sponsor is amenable to the proposed amendments. REP. BROWN explained why she is not.

Closing by Sponsor:

REP. BROWN closed on HB 558, and asked the Committee to support the bill as it stands.

{Tape: 1, HB 558; Side: A; Approx. Time Counter: 5.8 - 8}

HEARING ON HB 241

Sponsor: REP. JIM SHOCKLEY, HD 61, Victor

Opening Statement by Sponsor:

REP. SHOCKLEY explained that this bill puts a moratorium on the spending of money for the Upland Game Bird Habitat Program, until they can manage the program better. He said that an amendment was put on in the House that allows the Department to spend \$1.4 million to match the federal government money for sage hen rehabilitation. He explained the logistics of the bill.

{Tape: 1, HB 241; Side: A; Approx. Time Counter: 0 - 5.1}

Proponents' Testimony:

Jeff Hagener, Director, Montana FWP, read his written testimony.

EXHIBIT(fis65a07)

{Tape: 1, HB 241; Side: A; Approx. Time Counter: 5.1 - 9.3}

Janet Ellis, Montana Audubon, explained their support for the various parts of the bill.

Mike Barrett, poet, artist, former town councilman, expressed his thoughts regarding HB 241.

Opponents' Testimony:

Ben Deeble, Upland Bird Biologist, National Wildlife Federation, stated their opposition to HB 241, and submitted his testimony.

EXHIBIT(fis65a08)

Marty Lau, said that he opposes this bill as it is, and offered a conceptual amendment to create a moratorium on bird planting. He also submitted pictures of pheasants that died the next day after they were released. He stated that it is ineffective to stop working on habitat and continue to stock the birds.

EXHIBIT(fis65a09)

EXHIBIT(fis65a10)

Bob Lucas, Missoula resident, stated his opposition to the bill. He agrees that the Upland Game Bird Habitat Enhancement Program needs to be evaluated, but the Department is aware of that; HB 241 is unnecessary.

{Tape: 1, HB 241; Side: A; Approx. Time Counter: 9.3 - 16.8}

Jack Puckett, Missoula resident, Big Sky Upland Bird Association, read his testimony in opposition to HB 241.

EXHIBIT(fis65a11)

Dan Hare, Wildlife Biologist, Pheasants Forever, explained his opposition to the bill and his experience with a program in North Dakota.

Craig Roberts, President, Central Montana Chapter, Pheasants Forever, submitted his testimony and read the fourth paragraph to the committee.

EXHIBIT(fis65a12)

Jay Hanson, Billings Pheasants Forever, explained his opposition to the bill and submitted a witness statement.

EXHIBIT(fis65a13)

{Tape: 1, HB 241; Side: A; Approx. Time Counter: 16.8 - 25.3}

Don Kendall, Billings resident, stated his opposition to HB 241 and submitted a witness statement.

EXHIBIT(fis65a14)

Mark Copenhaver, Montana Chapter, National Wild Turkey Federation, stated his opposition and shared an example of the importance of habitat.

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH asked if there are block management participants in the habitat program for upland birds. **Jeff Hagener** responded that there is some overlap, but the programs are separate. He explained that the upland bird is geared at habitat management, and block management is geared at hunter access.

SEN. TASH inquired about the location of those programs. **Jeff Hagener** replied that the majority is in eastern Montana, but there are a few projects in the Flathead Valley and the Bitterroot Valley.

{Tape: 1, HB 241; Side: A; Approx. Time Counter: 25.3 - 29}

SEN. MAHLUM had a question about the State money put into the Russell Ranch. **Jeff Hagener** said that the Russells have two ranches; one received \$250,000 and the other received \$100,000.

SEN. MAHLUM asked if that is the total expenditure. **Jeff Hagener** affirmed that it is.

SEN. SCHMIDT wondered about the amendments. **REP. SHOCKLEY** said that if the bill fails, FWP will be allowed to use 15% of the money, as they have in the past. With the bill, they would only be allowed to use 10%.

SEN. TASH asked about the release of birds, and if this is a condition for block management. **REP. SHOCKLEY** explained that they are independent programs. He said that the Russells received \$251,000 for the first ranch, \$150,000 for the other ranch; they also get \$7,000 per year in block management.

SEN. TASH wondered if there is anything in the bill to preclude block management provisions. **REP. SHOCKLEY** stated that there is not; he just wanted to figure out a good way to spend the money.

{Tape: 1, HB 241; Side: B; Approx. Time Counter: 0 - 3.7}

Closing by Sponsor:

REP. SHOCKLEY closed on HB 241, reiterating the reasoning for HB 241 and his desires to spend the money wisely.

{Tape: 1, HB 241; Side: B; Approx. Time Counter: 3.7 - 6.3}

ADJOURNMENT

Adjournment: 7:00 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis65aad)